

# PERMIT TYPES AND COMMONLY USED DEFINITIONS

San Luis Obispo County Department of Planning and Building

1/1/06

## INTRODUCTION

This glossary is provided to give general definitions for permit types and some of the terms commonly used in the planning process. Additional terms are defined in the county's general plan, Area Plans, Land Use Ordinance, Real Property Division Ordinance, Building and Construction Ordinance, and other related documents.

## PERMIT TYPES

**Agricultural Preserve** - A request to enter into a contract with the county to retain a property in agricultural uses, and have the land reassessed on the basis of the agricultural income producing capability of the land. This assures the landowners that property valuations and taxes will remain at generally lower levels.

**Business License Clearance** - A staff-level review to verify that a new business and the building in which it will be located are in compliance with land use regulations.

**Certificate of Compliance** - A process through which the county records a document to establish a legal record officially recognizing a lot as legal in compliance with the State Subdivision Map Act and County Real Property Division Ordinance. A conditional certificate of compliance establishes a legal record when the property was not created in compliance with the Subdivision Map Act and county ordinances. A Certificate of Compliance application is acted on by staff. A Conditional Certificate of Compliance application is acted on by the Subdivision Review Board.

**Coastal Development Permit** - A Plot Plan, Minor Use Permit or Development Plan permit for development within the Coastal Zone.

**Conditional Use Permit (Development Plan)** - A discretionary permit, acted on by the Planning Commission, allowing a specific land use.

**Condo, new or conversion** -The process of dividing real property into "airspace" or "postage-stamp" lots for the purposes of sale, lease or financing. State law requires both approval and recordation of a map showing the division before the new parcel can legally be sold, leased; or financed.

**Construction Permit (Building or Grading Permit)** - A permit required to construct, erect, enlarge, alter, repair, move, improve, convert, or demolish any building or structure, unless exempted by the county Building and Construction Ordinance (Title 19) or the Uniform Building Code (UBC).

**Curb, Gutter and Sidewalk Waiver** - A request to waive the requirement for construction of curb, gutter and sidewalk, acted on by County Planning and County Engineering staff.

**Development Plan (Conditional Use Permit)** - A discretionary permit, acted on by the Planning Commission, allowing a specific land use.

Discretionary permit - Any permit requiring a decision-making body to exercise judgement prior to its approval. Depending on the specifics of a given application and its accompanying circumstances, discretionary permits may be approved, conditionally approved, or denied.

Emergency Permit - Authorization granted by the Planning Director, allowing a property owner to perform emergency work associated with a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property or essential public services. The property owner must apply for and receive required land use permits and construction permits within 30 days of receiving the emergency permit.

General Plan Amendment - An application subject to review by the Planning Commission and approval by the Board of Supervisors, that amends the county's general plan. An amendment can change the land use category (zoning) on a parcel, change standards that apply to a parcel contained in an Area Plan of the Land Use Element, or change the text of any adopted general plan element.

General Plan Amendment with Update - An amendment of the general plan that is processed concurrently with, and incorporated into, an update of an area plan of the Land Use Element of the general plan.

Grading Permit - A Plot Plan/Construction Permit required for any excavation, fill, or other earthwork, unless the project is exempted by the Land Use Ordinance.

Lot Line Adjustment - A discretionary application that alters the property lines between four or fewer existing adjoining parcels, taking land from one parcel and adding it to an adjacent parcel without increasing the number of parcels. A lot line adjustment is acted on by either the Hearing Officer or the Subdivision Review Board.

Ministerial permit - Any type of permit for which the staff needs to determine only conformity with applicable ordinances before approving the project (opposite of a discretionary permit).

Minor Use Permit -A discretionary permit, acted on by the Hearing Officer (Zoning Administrator), allowing a specific land use.

Parcel Map - The process of dividing real property into 4 or fewer lots for the purposes of sale, lease or financing (including condominiums). State law requires approval and recordation of a map showing the division before sale, lease or financing of a new parcel can legally occur. Parcel maps are acted on by the Subdivision Review Board.

Plot Plan - A ministerial permit, acted on by staff, allowing a specific land use.

Public Lot - A process through which land conveyed to or from a governmental agency, public entity, public utility, or a subsidiary of a public utility, is reviewed and exempted from the filing of a parcel or final map.

Receiving Site (TDC) - A site that meets the receiving site criteria in the Land Use Ordinance. Transfer of Development Credits can be transferred to receiving sites, which receive a density bonus as an incentive to participate in the Transfer of Development Credit program.

Reversion to Acreage - A process which joins multiple lots into a single parcel through the recordation of a map approved by either the Subdivision Review Board or the Planning Commission.

Road Abandonment - A formal request to abandon the right-of-way adjacent to a lot, thus incorporating that right-of-way into that lot. This is processed by both the County Public Works and Planning Departments, and the decision is made by the Board of Supervisors.

Road Naming - An application acted on by the Hearing Officer (Zoning Administrator) to name or rename roads and access easements in the county not associated with a parcel or tract map.

Sending Site (TDC) - A site that meets the sending site criteria in the Land Use Ordinance. Development credits from a sending site are transferred to a receiving site in exchange for compensation to the landowner as part of the Transfer of Development Credit (TDC) program.

Site Plan - A ministerial permit, acted on by staff, allowing a specific land use.

Specific Plan - A plan, reviewed by the Planning Commission and approved by the Board of Supervisors, specifying a systematic implementation of the general plan for a specifically defined area.

Surface Mining/Reclamation Plan - A discretionary permit, acted on by Planning Commission, allowing the mining of surface materials from a site and requiring the reclamation of the site after the mining is completed.

Tract Map -The process of dividing real property into 5 or more lots for the purposes of sale, lease or financing (including condominiums). State law requires approval and recordation of a map showing the division before sale, lease or financing of a new parcel can legally occur. Tract maps are acted on by the Planning Commission.

Tree Removal Permit - A permit, acted on by staff, that is required for the removal and replacement of trees within certain areas of the county under certain circumstances.

Variance - A discretionary permit to modify requirements of the Land Use Ordinance or the standards in the Area Plans of the Land Use Element. A variance cannot reduce the minimum parcel size or authorize uses that are not allowed by Table 2-2 of the Land Use Ordinance or Table O of the Coastal Zone Land Use Element.

Voluntary Merger - A process that legally merges two adjoining legal lots into a single legal lot. An application to merge two or more contiguous parcels under common ownership acted on by staff.

Zoning Clearance - A ministerial permit processed and approved as part of the construction permit or business license clearance.

## **DOCUMENTS**

Address and Road Name Ordinance (Title 20) - The county ordinance adopted in order to name roads and assign addresses. This is done in order to improve response time for emergency agencies, to expedite postal and general delivery services, and to enhance the ability to find residences and businesses.

Area Plans - A portion of the Land Use Element of the general plan. The 15 separate Area Plans each contain policies, programs, land use regulations and maps for a specific geographic area of the county. In the Coastal Zone, each area plan contains development standards - called planning area standards - that set special requirements.

Building and Construction Ordinance (Title 19) - The county ordinance adopted to regulate the design and construction of buildings and structures, including standards for site preparation, construction activities, and occupancy classifications consistent with the state laws governing construction.

Framework for Planning (Framework) - A portion of the Land Use Element of the general plan. Framework for Planning sets the guidelines for amendments to the general plan, and establishes the countywide general planning and land use goals. In the Coastal Zone, Coastal Zone Framework for Planning contains Table O, a matrix that specifies the uses allowed in each land use category. It also provides a definition for each type of use,

General Plan - A comprehensive long range plan for the physical development of the county. The general plan consists of maps, diagrams, and goals, objectives, programs and standards. The general plan has multiple elements (some required by state law) and is considered the "constitution for development." All development must be consistent with the county's general plan.

Growth Management Ordinance - The county ordinance adopted to establish an annual rate of growth that is consistent with the availability of resources to support the growth.

Land Use Element (LUE) - A required element of the general plan that designates the general distribution and intensity of uses of land for housing, commercial, industry, open space, education, public facilities, and other categories of public and private uses. Because the LUE is so extensive, it is sometimes mistaken for the entire general plan. In the Coastal Zone, the Land Use Element also acts as the county's Local Coastal Plan.

Land Use Ordinance (LUO and CZLUO - Titles 22 and 23) - The county ordinance adopted to ensure development is consistent with the general plan. In the Inland areas of the County, it is called the Land Use Ordinance (LUO). In the coastal zone, the Land Use Ordinance is called the Coastal Zone Land Use Ordinance (CZLUO). The LUO and CZLUO includes permit requirements, height, setback and coverage restrictions, and parking and landscaping requirements. The LUO and CZLUO also include grading, drainage, tree removal, fire safety utility and access improvement standards, specific operational standards and standards relating to specific uses. In the Inland areas of the county, the LUO contains Table 2-2, a matrix that specifies the uses allowed in each land use category. Article 8 of the LUO provides a definition for each type of use. Article 9 of the LUO contains development standards - called planning area standards - that set special requirements.

Local Coastal Plan (LCP) - The county's regulations that pertain to the portion of the unincorporated area of the county within the coastal zone. The coastal zone, which includes a specific area located along California's coastline, was created by the California Coastal Act enacted in 1976 by the California Legislature.

Real Property Division Ordinance (Title 21) - The county ordinance adopted to ensure land divisions are consistent with the general plan. Title 21 includes standards and requirements for all land divisions, lot line adjustments, certificates and conditional certificates of compliance, and voluntary mergers. It also includes the provisions for the parkland dedication fee (Quimby fee).

Rules of Procedure to Implement the California Land Conservation Act of 1965 - The county adopted plan that sets forth the San Luis Obispo County Agricultural Preserve Program, as provided by the California Land Conservation Act of 1965 or Williamson Act.

## **ENVIRONMENTAL TERMS**

California Environmental Quality Act (CEQA) - The state law governing the requirements and process used to review and evaluate a project's potential environmental impacts.

Categorical Exemption - A determination made by the county Environmental Coordinator that the project is within a class of projects that have been determined to not have a significant effect on the environment and are declared to be categorically exempt from the requirement for the preparation of environmental documents.

Environmental Impact Report (EIR) - A study to assess the potential environmental impact of a project when it is determined that a project may have potential substantial adverse impacts on the environment.

General Rule Exemption - A determination made by the county that as a general rule, no impacts are associated with a project.

Initial Study - The county's review of a project's potential environmental impacts to determine if those impacts may be substantial and if an EIR or an ND must be prepared for a project.

Mitigation Measures - An action to avoid, minimize, compensate for, or rectify any potentially adverse environmental impact of a proposed development project.

Negative Declaration (ND) - A written legal statement from the county briefly describing the reasons why a project will not have a significant adverse impact on the environment.

## **OTHER TERMS**

Allocation - An application for one of the county's dwelling units available for future years under the Growth Management Ordinance in communities where waiting lists exist due to resource constraints, or where vested rights associated with a land division map exist.

Allotment - An application for one of the county's dwelling units available for the current year under the Growth Management Ordinance. An allotment is only accepted when accompanied by a full set of construction drawings.

Appeal period - A period after the approval or denial of a project, measured from the date of the decision, during which the applicant or other parties may appeal the approval, denial or conditions of approval of a project.

Area Plan Standards (Planning Area Standards) - Standards found in Article 9 of the Land Use Ordinance and in each of the Coastal Zone Area Plans of the Coastal Zone Land Use Element that are applied to a parcel in addition to, or in place of, the standards applied by the Land Use Ordinance or Coastal Zone Land Use Ordinance.

Assessor Parcel Number (APN) - A 9 digit number assigned by the Assessor to describe properties. This number can be found on your tax bill.

Board of Supervisors - The 5-member board elected to represent different areas of the county, who make legislative decisions on changes to the general plan and ordinances and hear appeals of other permits.

Coastal Zone - A specific area located along California's coastline created by the California Coastal Act enacted in 1976 by the California Legislature.

Consolidated processing - The procedure established that creates a single process for multiple related permits or applications.

Hearing Officer (Zoning Administrator) - The Planning Director, or a designee, who makes decisions on Minor Use Permits, road names and certain Lot Line Adjustments.

Legislative authority - The authority to adopt or amend the county's general plan and adopt specific plans, held by the Board of Supervisors.

Planning Commission - A five member panel, appointed by the Board of Supervisors, who make decisions on Development Plans, Conditional Use Permits, Variances and Tract Maps, and advise the Board of Supervisors on proposed General Plan and Ordinance amendments.

Public Facility Fee - A fee collected with residential construction permits to help offset the county's cost of constructing, expanding or improving public facilities needed to serve new development. Implemented through Title 18 (Facility Fee Ordinance) of the County Code.

Quimby Fee (Parkland Dedication Fee) - An in-lieu fee collected with land divisions in order to provide funding for developing new or rehabilitating existing neighborhood or community parks.

Review Authority - The individual or group with the authority to take action on a specific type of permit (may be either the Planning Director (staff or hearing officer), the Subdivision Review Board, the Planning Commission, or the Board of Supervisors).

Site layout plan - A map or sketch required for every permit type which illustrates the physical features of the building site for a proposed development project or building permit including, but not limited to, entire lot dimensions, location of streets, rights-of-way and easements, and existing and proposed buildings or structures, setbacks from the property lines to structures and between structures, slope of the land, existing vegetation, vegetation to be removed and natural features on the site such as swales, creeks, and rock outcroppings.

Subdivision Review Board - A five member panel, comprised of representatives from various county departments and air pollution control district, who make decisions on Parcel Maps, certain Lot Line Adjustments and Conditional Certificates of Compliance.

Table "O" - The matrix of the specific types of land uses allowed in the different land use categories found in the Land Use Element (Coastal Zone framework for Planning) of the general plan.

Table 2-2 - The matrix of the specific types of land uses allowed in the different land use categories found in the Land Use Ordinance, Title 22 of the County Code.